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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,894	10/22/2003	Richard Sapienza	1028-001K	6580
47888	7590	12/27/2004		EXAMINER
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				GREEN, ANTHONY J
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-compliant Amendment

1. The amendment filed on 28 October 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, June 30, 2003). In order for the amendment to be compliant, correction of the following is required. **Only the section (1.121(h)) of the amendment containing the omission of non-compliant provision must be resubmitted (in its entirety), e.g. the entire “Claim listing” section of applicant’s amendment must be re-submitted.**

2. The following item causes the amendment to be non-compliant:

- Applicant has not provided proper status identifiers for the claims. The status identifier of “(presently amended)” is not a proper status identifier. According to the new rule only the following seven status identifiers may be utilized: (original), (currently amended), (canceled), (withdrawn), (new), (previously presented) and (not entered). Accordingly claims 36 and 38 should be identified with the status identifier of “(currently amended)”.

Since the non-compliant amendment is a reply to a NON -FINAL OFFICE ACTION, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135 (c)), applicant is given a time period of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR 1,121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony J. Green
Primary Examiner
Art Unit 1755

ajg
20 December 2004